

1 --27. The method according to Claim 24, wherein said protocol capability response  
2 message further describes a number of service options supported by said mobile telephone.--

1 --28. (Amended) The method according to Claim 26, wherein:  
2 said protocol capability response message includes a NUM\_SO field that indicates a  
3 number of service options supported by said mobile telephone;  
4 for each of the number of service options supported by said mobile telephone, the  
5 protocol capability response message including a SERVICE\_OPTION field, wherein each  
6 SERVICE\_OPTION field indicates a service option supported by said mobile telephone.--

1 --29. The method according to Claim 26, wherein the over-the-air function uses the  
2 contents of the protocol capability response message to provision services for said mobile  
3 telephone.--

1 --30. The method according to Claim 26, wherein data from the protocol capability  
2 response message is used for said mobile telephone's service provisioning at said mobile  
3 telephone's home location register.--

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REMARKS

Claims 1-20 were previously pending. New claims 21-30 have been added. Thus, claims 1-30 are currently pending. Claims 1-6 and 8-20 stand rejected under 35 U.S.C. §103 as being unpatentable over Lupien (U.S. Patent No. 6,006,091) in view of Coursey (U.S. Patent No.

5,950,130). Claim 7 stands rejected under 35 U.S.C. §103 as being unpatentable over Lupien, Coursey and in view of Cropper (U.S. Patent No. 5,819,178). Independent claims 1, 9 and 17 have been amended to distinguish over the cited prior art references. Further, dependent claims 2-7, 10-15 and 18-20 have also been amended to cause such claims to distinguish over the cited references for additional reasons. Finally, new claims 21-30 include similar limitations as the amended claims to distinguish over the cited references.

Independent claim 1 as amended now requires (1) establishing a communication path between a mobile telephone and the over-the-air function, wherein the communication path includes an over the air path between said mobile telephone and one of said plurality of base transceiver stations; (2) sending a request from the over-the-air function to said mobile telephone via the communication path to interrogate said mobile telephone's operating capabilities; (3) in response to a detection of said request, said mobile telephone responding via the communication path to the over-the-air function with a protocol capability response message that describes the band and mode capabilities of said mobile telephone; (4) the over-the-air function determining operational parameters for said mobile telephone based upon the band and mode capabilities of said mobile telephone; (5) the over-the air function communicating the operational parameters to said mobile telephone via the communication path; and (6) said mobile telephone subsequently operating according to the operational parameters.

These limitations in combination are simply neither disclosed nor suggested by the cited prior art references. In particular, limitations (3) and (4) of claim 1 are neither disclosed nor suggested by any of the prior art references. None of the cited references discloses or suggests that an over-the-air function would request/receive a mobile telephone's protocol capability operating capabilities, determine operational parameters based upon the mobile telephone's

protocol capability operating capabilities and communicate the operational parameters back to the mobile telephone for subsequent use.

Moreover, none of the cited references even address the problems solved by these important claim limitations, namely that the over-the-air interface is be able to accurately and quickly determine mobile telephone operational parameters during service provisioning and to direct the mobile telephone to operate accordingly. As more fully specified in amended claim 3, the operational parameters include a preferred roaming list and a number assignment module. By receiving the actual mobile telephone protocol capability operating capabilities during service provisioning, the over-the-air interface may accurately and quickly determine the preferred roaming list and the number assignment module and return them to the mobile telephone for immediate use. For these reasons, claim 1 distinguishes over the cited prior art references. For at least these reasons, amended claims 2-3 and 8 are also allowable over the cited prior art references.

Amended claims 4-7, dependent from claim 1, require additional important limitations that are neither disclosed nor suggested by the cited prior art references. Claim 4 requires that the protocol capability response message further describe a number of service options supported by said mobile telephone. The over-the-air function uses this service option information in provisioning services for the mobile telephone, as is further described in amended claim 6. Such provisioning may be performed in the mobile telephone's home location register as required by amended claim 7. Thus, for these additional reasons, dependent claims 4-7 are also allowable over the cited prior art references.

Amended claims 9-16 include limitations the same or similar to the limitations of claims 1-8 and are allowable for the same reasons. Amended claims 17, 18, 19 and 20 include

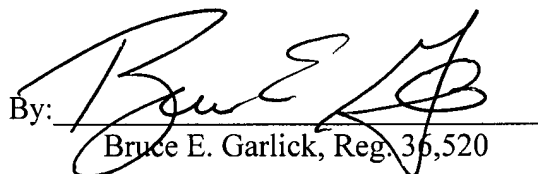
limitations the same or similar to the limitations of claims 1, 2, 4 and 5, respectively, and are allowable for the same reasons. New claims 21, 22 and 23 include limitations the same or similar to the limitations of claims 3, 6 and 7 and are allowable for the same reasons. Finally, new claims 24-30 include limitations the same or similar to the limitations of claims 1- 7 and are allowable for the same reasons.

For the reasons cited above, claims 1-30 are now allowable. Thus, a notice of allowance is courteously solicited.

Enclosed is check #2471 in the amount of \$258 for the additional claims fee (10 additional claims - \$180 plus 1 additional independent claim - \$78 for a total of \$258). Please direct any questions or comments to the undersigned attorney.

Respectfully submitted,

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